



To: All Rental Housing Tax Credit Recipients

Notice: MFD-08-17

From: IHCD Multi Family Department

Date: September 24, 2008

Re: **Section 42 Emergency Housing Relief**

In accordance Revenue Procedure 2007-54, the Indiana Housing and Community Development Authority is permitting all Owner's of Section 42 properties within the State of Indiana to provide temporary emergency housing to individuals affected by the recent severe storms and flooding in Lake, LaPorte, and Porter counties.

Temporary emergency housing means housing displaced low-income Individuals for a period not to exceed 4 months beyond the date of the President's major disaster declaration. An individual is a displaced individual if the individual was displaced from his/her principal place of residence as a result of a major disaster and the principal place of residence is in a city, county, or other local jurisdiction designated for Individual Assistance by FEMA as a result of the major disaster.

Requirements for Owner: The temporary housing of displaced low-income individuals in low-income units without meeting the documentation requirements of §1.42-5(b)(1)(vii) will not cause the building to suffer a reduction in qualified basis that would cause the recapture of low-income housing credits, provided the owner ensures the following requirements are met:

- (1) **Temporary Self-Certification of Income Requirements:** An Owner may rely on a displaced low-income individual's self-certification of income eligibility signed under penalties of perjury in applying for temporary tenancy in the building as a result of a major disaster declaration as defined in section 4 of this revenue procedure. The self certification shall provide that such individual's income will not exceed the applicable income limits of § 42 at the beginning of the individual's tenancy. The self-certification - 10 - shall not extend for more than 4 months beyond the date of the President's major disaster declaration. The self-certification may be relied on by the Owner for purposes of determining the building's qualified basis under § 42(c)(1), and for purposes of satisfying the project's 20-50 or 40-60 minimum set-aside requirement as elected by the Owner under § 42(g)(1). During the 4-month self-certification period, the self certified tenant is deemed a qualified tenant. After the 4-month self-certification period,



the Owner must obtain all required documentation required under § 42 to support the tenant's continued status as a qualified low-income individual.

- (2) Self-Certification of Status as Displaced Individual: An owner may rely on an individual's certification signed under penalties of perjury that the individual was displaced from his/her principal place of residence as a result of a major disaster and the principal place of residence is in a city, county, or other local jurisdiction designated for Individual Assistance as a result of the major disaster.
- (3) Recordkeeping: To comply with the requirements of § 1.42-5, Owners must maintain and certify certain information concerning each displaced low-income individual temporarily housed in the project, specifically: name, address of damaged residence, social security number, the temporary self-certification of income, and the self-certification of status as a displaced individual. The Owner must also maintain and report to the Agency at the end of the emergency housing period a list of the names of the displaced individuals, and the dates the displaced individuals began and ceased temporary occupancy. This information shall be provided to the Service upon request. - 11 -
- (4) Rent Restrictions: Rents for the low-income units housing displaced individuals must not exceed the existing rent-restricted rates for the low-income units established under § 42(g)(2).
- (5) Protection of Existing Tenants: Existing tenants in occupied low-income units cannot be evicted or have their tenancy terminated as a result of efforts to provide temporary housing for displaced individuals.
- (6) Suspension of Non-Transient Requirements: The non-transient use requirement of § 42(i)(3)(B)(i) shall not apply to any unit providing temporary housing to a displaced individual during the 4-month temporary emergency housing period described in this section 11 of this revenue procedure.
- (7) Additional Owner Requirements:
 - (a) The Owner must list the project on <http://www.indianahousingnow.org>.
 - (b) The Owner using the IHCD Online Reporting system should make a comment in the Note section that the tenant is a displaced resident.

The Owner must complete the attached Disaster Tenant Tracking Report and submit to George McMannis, via email at gmcmanis@ihcda.in.gov, by **February 1, 2009** or send to:

IHCDA

Attn: George McMannis

30 S Meridian St, Suite 1000

Indianapolis, IN, 46204 by: February 1, 2009





Affidavit of Displacement

(Tenant file should include one (1) affidavit for each Household Displaced by Flood Related Damage)
(Each adult household member should be listed on affidavit)

Household Name _____ Unit # _____
Project Name _____ BIN _____

Under penalty of perjury, I certify that I am an individual displaced because of damage to my home located in the major disaster area of _____ County, IN.

Address of Damaged Residence _____

FEMA # _____

- 1.) Tenant Name _____ Social Security # _____
- 2.) Tenant Name _____ Social Security # _____
- 3.) Tenant Name _____ Social Security # _____
- 4.) Tenant Name _____ Social Security # _____

The undersigned further states that the information presented in this certification is true and accurate to the best of their knowledge and understands that providing false information constitutes fraud. False, misleading or incomplete information may result in the termination of the lease agreement.

- 1.) Signature of Tenant _____ Date _____
- 2.) Signature of Tenant _____ Date _____
- 3.) Signature of Tenant _____ Date _____
- 4.) Signature of Tenant _____ Date _____

This section to be completed by Owner/Representative

Date Temporary Occupancy Began: _____

Temporary Housing Period Expires: **January 23, 2009**

I certify that the occupancy dates stated above are true and accurate. This affidavit shall be retained by the owner as part of the tenant file and will be filed with the federal income tax return for the applicable year.

Signature of Owner/Representative _____ Date _____





**Emergency Housing Relief for Displaced Disaster Victims
Section 42 Property Tracking Report**

Development Name					BIN #	
BIN #	Tenant's Name	Primary County of Residence	Move In Date	Move Out Date	Gross Rent	

